PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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Application Number

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ابر 2004 م	FORM	First Named Inventor	Paul HA	ABERMANN	et al.				
II 1 2 2004 35		Art Unit	1645						
(to be used for	all correspondence after initial filing)	Examiner Name	DUFFY	, Patricia A.					
& TRANSTOR	Pages in This Submission	Attorney Docket Number	DEAV2	001/0009 US	NP				
	EN	ICLOSURES (Check all	that apply		All				
Fee Trans	smittal Form	Drawing(s)			Allowance Communication to TC				
Fe	ee Attached	Licensing-related Papers	''		eal Communication to Board speals and Interferences				
Amendme	ent/Reply	Petition			eal Communication to TC eal Notice, Brief, Reply Brief)				
AI AI	ter Final	Petition to Convert to a Provisional Application		Prop	rietary Information				
A1	fidavits/declaration(s)	Power of Attorney, Revocatio Change of Correspondence A		Statu	s Letter				
	of Time Request	Terminal Disclaimer	-	Othe belov	r Enclosure(s) (please Identify				
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] / 1. P	TO-1449 S 5,316,947							
Incomplet	e Application 3. D	E 34 30 556							
ur ur	der 37 CFR 1.52 or 1.53 5. U	O 02/04486 S 5,824,505							
	6. Al	J 726264							
	SIGNATURE	OF APPLICANT, ATTO	RNEY, C	OR AGENT					
Firm Name	AVENTIS PHARMACEUTIC	ALS INC.			·				
Signature	0 0								
Printed name									
Date	Joel B. German		Reg. No.	48 676					
	Øctober 8, 2004 48,676								
CERTIFICATE OF TRANSMISSION/MAILING									
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 1 2 2004

In re Application of HABERMANN, et al.

Application No.: 10/076,634

Filed: February 19, 2002

Title: FUSION PROTEINS CAPABLE OF BEING SECRETED INTO A FERMENTATION

MEDIUM

Examiner: **DUFFY, Patricia A.**

Art Unit: 1645

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October 8, 2004

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UNDER 37 C.F.R. 1.56, 1.97 AND 1.98

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Applicants submit herewith patents, publications, and other information of which they are aware, which they believe may be material, as defined in 37 C.F.R. 1.56(b), to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. 1.56(a). While the information referred to in this Information Disclosure Statement may be material pursuant to 37 C.F.R. 1.56(b), the filling of this Information Disclosure Statement is not intended to, pursuant to 37 C.F.R. 1.97(h), constitute an admission that any patent, publication or other information referred to is, or is considered to be, material to the patentability of this invention. Pursuant to 37 C.F.R. 1.97(g), the filling of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information exists.

(a) This Information Disclosure Statement is filed within the period set forth in §1.97(b) because it accompanies the new patent application submitted herewith, is filed within three months of the filing date of a national application or within three months of the date of entry of the national stage as set forth in §1.491 in an international application, or is believed to be filed before the mailing date of a first Office Action on the merits, whichever event occurs last. However, in the event that the first office action has been mailed, the Commissioner is authorized to charge any fees under 37 C.F.R. 1.17(p) or credit any overpayment to Account No. 18-1982.

DEAV2001/0009 US NP Serial No.: 10/076,634

\boxtimes	(b)	This	Information Disclosure Statement is filed after the period set forth in 37
		C.F.	R. 1.97(b), but is believed to be filed before the mailing date of a final action
		und	er §1.113 or a notice of allowance under §1.311, whichever occurs first.
		(1)	The undersigned attorney certifies that each item of information contained
			in this Information Disclosure Statement was cited in a communication
			from a foreign patent office in a counterpart foreign application not more
			than three months prior to the filing of this statement;
		(2)	The undersigned attorney certifies that no item of information contained in
			this Information Disclosure Statement was cited in a communication from a
		,	foreign patent office in a counterpart foreign application or, to the
			knowledge of the undersigned attorney after making reasonable inquiry,
			was known to any individual designated in §1.56(c) more than three
			months prior to the filing of this statement; or
	\boxtimes	(3)	This Information Disclosure Statement is accompanied by a transmittal
			letter in which payment of the fee set forth in §1.17(p) and required by 37
			C.F.R. 1.97(c) is authorized.

In the Office Action dated June 16, 2004, the Examiner indicated that she did not review certain foreign-language references because the Applicants did not submit with them a statement in English of their relevance. The Applicants submit that information now.

European Patent Application No. 0 158 564 corresponds to U.S. Patent No. 5,824,505 and European Patent Application No. 0 549 915 corresponds to U.S. Patent No. 5,316,947. European Patent Application No. 0 775 710 corresponds to Australian Patent No. 726264. The Applicants submit in the accompanying IDS those three (3) patents.

German Patent Application No. 100 33 195 corresponds to PCT Patent Application No. WO 02/04486; the Applicants submit the PCT application as well. As to German Patent Application No. 100 33 195, the Applicants provide the following translation of its abstract:

The invention relates to bi-functional fusion proteins, comprising hirudin, or a variant of hirudin and TAP (Tick Anticoagulant Peptide) or a variant of TAP, the production and use of bi-functional fusion proteins and medicaments containing said bi-functional proteins.

As to German Patent Application No. 34 30 556, the Applicants provide the following translation of its abstract:

The invention relates to a process for purifying dimethyl terephthalate (DMT). A DMT-containing mixture is used whose DMT content is above the DMT content of the eutectic composition. The DMT-containing mixture is melted and the DMT is allowed to crystallise out by cooling, but without the DMT content in the impurities reaching the eutectic composition.

Respectfully submitted,

Joel B. German, Reg. No., 48,676 Attorney/Agent for Applicant

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Aventis Docket No. DEAV2001/0009 US NP

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE

Complete if Known **Application Number** 10/076,634 02-19-2002 Fillng Date **First Named Inventor** HABERMANN, et al. **Group Art Unit** 1645 **Examiner Name** DUFFY, Patricia A.

(use as many sheets as necessary)

STATEMENT BY APPLICANT

of Sheet 1

Attorney Docket Number DEAV2001/0009 - US - NP

	U.S. PATENT DOCUMENTS							
Examiner Initials	Cite No.1	U.S. Patent Document Kind Code² (if known)		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
		5,824,505		TOLSTOSHEV, et al.	10-20-1998			
		5316947			05-31-1994			
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	FOREIGN PATENT DOCUMENTS										
Examiner Initials	Cite No.1			Cument Kind Code ⁵ (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Τ ⁶			
		ΑU	726264		MOELLER	02-15-2001					
		wo	02/04486		HABERMANN	01-17-2002					
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Signature	Considered	

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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). * For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. * Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English tanguage Translation is attached.